## Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

## **Listing of Claims:**

 (Currently Amended) A <u>computer implemented</u> method comprising: monitoring a number of idle states and busy states in a disk drive; and

limiting performance of read/write commands by the disk drive based on whether a sufficient number of idle states has been monitored to avoid exceeding a duty cycle rating of the disk drive.

- 2. (Original) The method of claim 1, wherein the step of monitoring further comprises utilizing a time count to track the number of idle states and busy states in the disk drive.
- 3. (Original) The method of claim 2, further comprising incrementing the time count by a first value for each idle state.
- 4. (Original) The method of claim 3, further comprising decrementing the time count by a second value for each busy state.
- 5. (Original) The method of claim 4, further comprising selecting the first value and the second value to provide a ratio according to a target duty cycle for the disk drive.

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- 6. (Original) The method of claim 2, wherein the step of limiting performance further comprises determining whether the time count has an accumulated value that is greater than zero.
- 7. (Original) The method of claim 6, performing a read/write command when the accumulated value is greater than zero.
- 8. (Original) The method of claim 7, delaying performance of a read/write command until the accumulated value is greater than zero.
- 9. (Original) The method of claim 1, further comprising:

utilizing a time count that adjusts in accumulated value based on the number of idle states and busy states in the disk drive;

determining whether the time count has an accumulated value that is greater than zero; performing a read/write command when the accumulated value is greater than zero; and delaying performance of a read/write command until the accumulated value is greater than zero.

10. (Original) A disk drive comprising:

a storage disk; and

a controller coupled to the storage disk and controlling data reads from and data writes to the storage disk by monitoring a number of idle states and busy states and limiting performance of read/write commands based on whether a sufficient number of idle states has been monitored to avoid exceeding a duty cycle rating of the disk drive.

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- 11. (Original) The disk drive of claim 10, wherein the controller further utilizes a time count to track the number of idle states and busy states.
- 12. (Original) The disk drive of claim 11, wherein the time count increments by a first value for each idle state.
- 13. (Original) The disk drive of claim 12, wherein the time count decrements by a second value for each busy state.
- 14. (Original) The disk drive of claim 13, wherein the first value and the second value comprise a ratio of values based on a target duty cycle for the disk drive.
- 15. (Original) The disk drive of claim 11, wherein the controller further determines whether the time count has an accumulated value that is greater than zero.
- 16. (Original) The disk drive of claim 15, wherein the controller performs a read/write command when the accumulated value is greater than zero.
- 17. (Original) The disk drive of claim 16, wherein the controller delays performance of a read/write command until the accumulated value is greater than zero.

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18. (Original) The disk drive of claim 10, wherein the controller further:

utilizes a time count that adjusts in accumulated value based on the number of idle states and busy states in the disk drive;

determines whether the time count has an accumulated value that is greater than zero; performs a read/write command when the accumulated value is greater than zero; and delays performance of a read/write command until the accumulated value is greater than zero.

19. (Currently Amended) A computer readable medium containing a computer program instructions tangibly stored thereon for increasing the quality and reliability of storage disks, the computer program comprising program instructions comprising for:

monitoring a number of idle states and busy states in a disk drive; and

limiting performance of read/write commands by the disk drive based on whether a sufficient number of idle states has been monitored to avoid exceeding a duty cycle rating of the disk drive.

20. (Currently Amended) The computer readable medium of claim 19, further comprising wherein the computer program further comprises program instructions for:

utilizing a time count that adjusts in accumulated value based on the number of idle states and busy states in the disk drive;

determining whether the time count has an accumulated value that is greater than zero; performing a read/write command when the accumulated value is greater than zero; and

delaying performance of a read/write command until the accumulated value is greater than zero.